

Message Text

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PAGE 01 SINGAP 00736 240852Z

10

ACTION EA-10

INFO OCT-01 ISO-00 SNM-02 SCS-03 L-02 H-01 DEAE-00 CIAE-00

INR-07 IO-10 JUSE-00 NSAE-00 SY-04 TRSE-00 USIA-06

NSC-05 OES-03 OMB-01 /055 W
----- 018800

R 240800Z FEB 75

FM AMEMBASSY SINGAPORE

TO DEA NEW YORK REGIONAL OFFICE

INFO DEA HEADQUARTERS WASHDC

AMEMBASSY BANGKOK

SECSTATE WASHDC 2037

LIMITED OFFICIAL USE SINGAPORE 0736

DEA NYRO PASSGROUP 11 AND AUSA KAUFMAN SDNY FROM BRADDOCK

DEA HQS PASS EOIF/EN FROM BRADDOCK

BANGKOK PASS DEA FROM BRADDOCK

E.O. 11652: NA

TAGS: SNAR, CPRS, SN

SUBJECT: PHANG AH SEONG C1-75-0588

MEETING BETWEEN ASSISTANT PUBLIC PROSECUTOR, LT. COL. THOMAS KEENAN ESQ. AND SAIC SINGAPORE D.O. PINPOINTED SPECIFIC PROBLEMS FACED IN ATTEMPT TO EXTRADITE SUBJECT UNDER SINGAPORE LAW. RESEARCH PERFORMED BY COL. KEENAN SUBJECT OF FOLLOWING TEXT WHICH AUSA KAUFMAN IS REQUESTED TO REVIEW.

THE ASSISTANT PUBLIC PROSECUTOR ANTICIPATES AT LEAST TWO MAIN PROBLEMS IN THE EXTRADITION OF PHAN AH SEONG WHICH ARE BASED UPON HIS INTERPRETATION OF THE SINGAPOREAN EXTRADITION ACT (CHAPTER 76, VOL. 2 OF SINGAPORE REVISED STATUTES 1970). THE FIRST PROBLEM CONCERNS THE STANDARD OF PROOF REQUIRED IN ORDER TO GRANT THE REQUEST. SPECIFICALLY, CHAPTER 11(6)(B)(I) OF THE ACT PROVIDES THAT THE MAGISTRATE MAY GRANT THE REQUEST IF HE IS PROVIDED WITH SUCH EVIDENCE THAT IN HIS OPINION WOULD BE SUFFICIENT TO JUSTIFY HOLDING THE DEFENDANT OVER FOR TRIAL IN SINGAPORE IF

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HIS ACTS OR OMISSIONS CONSTITUTING A CRIME HAD TAKEN PLACE IN

SINGAPORE. ACCORDING TO THE ASSISTANT PUBLIC PROSECUTOR THIS
REQUIRES PRESENTING A PRIMA FACIE CASE ON THE MERITS TO THE
MAGISTRATE. ADMITTEDLY, THIS STANDARD IS IN EXCESS OF THE U.S.
STANDARD AS EXPRESSED IN THE APPLICATION OF D'AMICO, 185 F SAPP
925 (SDNY 1960) CITED IN 6 WHITEMAN INTERNATIONAL LAW 945.
NEVERTHELESS, THE ASSISTANT PUBLIC PROSECUTOR THINKS HE CAN MEET
THIS BURDEN ON THE BASIS OF THE AFFIDAVIT OF WONG SHING KONG,
THE UNIDICTED CO-CONSPIRATOR. THAT RAISES, HOWEVER, THE OTHER
PROBLEM: THE ADMISSABILITY OF THE AFFIDAVIT. UNDER CHAPTER 42 OF
THE EXTRADITION ACT, A DULY AUTHENTICATED DOCUMENT UNDER OATH
USED IN A PROCEEDING IN A FOREIGN STATE MAY BE ADMITTED IN THE
EXTRADITION HEARING. SINCE THE AFFIDAVIT WAS EXECUTED SUBSEQUENT
TO BOTH THE INDICTMENT AND THE ISSUANCE OF THE WARRANT OF ARREST
THERE IS A NATURAL QUESTION AS TO IN WHAT U.S. PROCEEDING
IT HAD BEEN USED. PRESUMABLY, THE AFFIDAVIT WAS A FORMALIZATION
OF THE STATEMENT THE AFFIANT PROVIDED AN INVESTIGATOR AND WHICH
HAD BEEN GIVEN TO THE GRAND JURY. IN ANY EVENT THIS MATTER WILL
HAVE TO BE CLARIFIED. IT MIGHT BE NECESSARY TO OBTAIN IN ITS
PLACE A SUMMATION OF THE TESTIMONY HEARD BY THE GRAND JURY IF
THE CURRENT AFFIDAVIT CANNOT BE IDENTIFIED WITH A PARTICULAR
PROCEEDING.
EXTRADITION HEARING HAS BEEN POSTPONED UNTIL MARCH 18, 1975.
LT. COL. KEENAN'S PRESENCE WILL BE REQUIRED.
COMMENTS OR SUGGESTIONS BY AUSA KAUFMAN REQUESTED BY CABLE PRIOR
TO THIS DATE WITH INFO COPY TO BANGKOK REGIONAL OFFICE FOR REVIEW
BY COL. KEENAN.
DECONTROL UPON RECEIPT BY DEA ONLY.
CRONK

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Message Attributes

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Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, DRUG CONTROL
Control Number: n/a
Copy: SINGLE
Draft Date: 24 FEB 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
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Disposition History: n/a
Disposition Reason:
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TAGS: SNAR, CPRS, SN, (PHANG AH SEONG)
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